

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:11-CR-80-H  
No. 7:15-CV-265-H

DOMINIC COOPER KING,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

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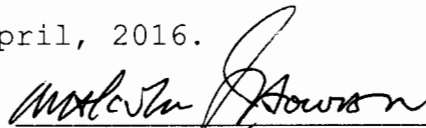
**ORDER**

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255. [D.E. #57]. The government has filed a response requesting the court to grant petitioner's motion in light of the recent decision issued by the United States Supreme Court in Welch v. United States, \_\_ U.S. \_\_, No. 15-6418, 2016 WL 1551144 (U.S. Apr. 18, 2016), declaring Johnson v. United States, 135 S.Ct. 2551 (2015), retroactive.

The court hereby LIFTS the stay in this case, and at the request of both parties and for good cause shown, petitioner's motion to vacate his sentence, [D.E. #57], is hereby GRANTED. The judgment, [D.E. #50], is therefore VACATED. This matter is SCHEDULED for resentencing at the court's June 14, 2016, criminal term. Petitioner shall remain in custody pending the resentencing hearing. The United States Probation Office is DIRECTED to provide the parties and the court with a resentencing memorandum. Furthermore, the Federal Public

Defender is hereby DIRECTED to continue representing petitioner in connection with the resentencing. The clerk is DIRECTED to serve a copy of this order upon the Federal Public Defender and the United States Probation Office.

This 25<sup>th</sup> day of April, 2016.



Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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